

**Before the
Federal Communications Commission**

In the Matter of)	
)	
DTV Consumer Education Initiative)	MB Docket No. 07-148
)	
)	

**COMMENTS AND REPLY COMMENTS
OF THE COALITION OF ORGANIZATIONS
FOR ACCESSIBLE TECHNOLOGY (COAT)**

COAT Steering Committee

American Association of People with Disabilities (AAPD)
American Council of the Blind (ACB)
American Foundation for the Blind (AFB)
Communication Service for the Deaf (CSD)
National Association of the Deaf (NAD)

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SUMMARY

The Coalition of Organizations for Accessible Technology, a nationwide coalition of disability advocacy groups, comments on the various Commission proposals related to consumer education in the digital television (DTV) transition. We agree there needs to be widespread consumer understanding of the benefits and mechanics of the DTV transition. Specifically, we assert that the community of people with disabilities is among the hardest to reach and that there must be specific steps taken to ensure greater awareness about the DTV transition in our community. In addition, our comments describe the technical difficulties encountered by people with disabilities during this transition and we propose a way to address them. We offer a disability perspective on the several consumer education proposals raised by the Commission in its Notice of Proposed Rulemaking, and urge more resources be made available for the consumer education initiative.

I. Introduction

On behalf of its affiliate members, the Coalition of Organizations for Accessible Technology (COAT) offers these comments and reply comments in response to the Federal Communications Commission (FCC or Commission) Notice In The Matter of DTV Consumer Education Initiative, Notice of Proposed Rulemaking, MB Docket 07-148, FCC 07-128 , released July 30, 2007.

COAT responds to the invitation to comment on the various proposals related to consumer education on the digital television (DTV) transition. We agree with the Commission that there needs to be widespread consumer understanding of the benefits and mechanics of the DTV transition. In particular, we assert that the community of people with disabilities is among the hardest to reach and that there must be specific steps taken to ensure greater awareness about the DTV transition in our community. Below we point out the additional difficulties encountered by people with disabilities and also discuss several proposals and specific steps the Commission should take to reach this population.

II. Background

COAT consists of over 120 national, regional, and community-based organizations dedicated to making sure that, as our nation migrates from legacy telecommunications to more versatile and innovative IP-based and other communication technologies, people with disabilities will not be left behind.¹ The guiding principle of COAT is to ensure the full inclusion of people with disabilities in

¹A list of COAT affiliates supporting the COAT agenda can be found at www.COATaccess.org.

all aspects of daily living through accessible, usable and affordable communication technologies as these continue to evolve. COAT offers these comments on behalf of millions of individuals with disabilities, including people who are deaf or hard of hearing, people who are blind or have vision loss, and people with cognitive, mental, physical and other disabilities who rely on television programming for entertainment, news, and information.

III. Technical Problems Affecting Access by People with Disabilities in the DTV Transition

A. Extra Hurdles in Captioning and User Interface Problems

COAT notes that even those consumers with disabilities who have attempted to make the switch to DTV technology have found that the transition is leaving them behind. In June 2007, the Commission acknowledged this point, in a Consumer Advisory noting that consumers may experience difficulty in receiving and/or viewing closed captioning on some DTV programming, including HDTV, provided by a programming distributor such as a cable company or a satellite television provider.²

In fact, numerous problems have been documented already in this regard, including overlapping captions (two lines of captions displayed over each other), captions appearing in the middle of the television screen (blocking faces and other important information on the screen), garbled captions, captions running off the edge of the picture, captions exceedingly small, and captions that inadvertently switch to a text mode causing 95% of the screen image to be obscured. These failures have their

² “Closed Captioning for Digital Television (DTV),” FCC Consumer Advisory (June 6, 2007). See http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-273678A1.doc, last accessed September 19, 2007.

roots in any of a dozen possible technical causes and there is little or no way for consumers to be able to track down these problems for resolution. Technical failures associated with accessing and displaying captions may stem from problems with local broadcast station signals, cable provider transmissions, broadcast and cable network transmissions, consumer equipment that is purchased or leased from cable or satellite companies, satellite transmission signals, and/or improper encoding and transmission by caption providers.

Equally disconcerting is that new interfaces on digital television equipment have made accessing television programming difficult and sometimes impossible for consumers, whether they use remote control devices or direct controls on the television receivers. Consumers find themselves in the predicament of having to wade through several on-screen menu layers in order to access closed captioning controls or to find other accessibility features, such as video description used by people with vision loss. This has become particularly frustrating for consumers attempting to use televisions in hotels or hospitals, where they are not accustomed to the television menus and controls set-up.³

B. Recommendation for a Working Group to Troubleshoot Problems

In order to effectively address the technical problems being experienced by people with disabilities, COAT endorses a recommendation being submitted to the

³COAT detailed these concerns in comments submitted to the Commission “In the Matter of Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television,” (MB Docket No. 07-91), at http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519610470

FCC by the Commission's Consumer Advisory Committee (CAC). This is a recommendation to

convene a working group that includes representatives from the broadcasting, cable, and satellite industries, television and set top box equipment manufacturers, MVPDs, captioning providers, electronic retailers and captioning consumers. Such group, which should include top engineering personnel from the relevant industries and the Commission, should be tasked with (1) identifying current and anticipated problems with the transmission and display of captions over digital programming, (2) evaluating and assessing their components, systems, and set top boxes for compatibility with captioning services, (3) developing solutions to existing and potential problems in order to ensure the capability to pass through closed captions intact to the consumer.

Insofar as captions provide basic access to television programming for people who are deaf or hard of hearing; even the most comprehensive efforts to educate this population about the DTV transition will be meaningless if, when the transition takes place, this public cannot access the captions that are required by the Commission's rules.

COAT further believes this proposed working group can review and resolve problems associated with the pass-through of video description. Even though there is no FCC requirement for video description at this time, there is voluntary provision of this accessibility feature. Because the extent to which new DTV equipment can pass through video description remains unclear, it is critical for a working group of experts to devote time and efforts to ensuring that individuals who are blind or with vision loss be able to continue watching programs – during and after the digital transition takes place – with video description.

IV. COAT Responses to Specific NPRM Discussion Sections

A. Broadcaster PSAs and Other Requirements

COAT supports the FCC's proposal to use its regulatory authority to require television broadcasters to air periodic public service announcements (PSAs) about the DTV transition. COAT recommends that the FCC require any such PSAs to be open captioned to ensure that people who rely on captions will benefit from the announcements. If PSAs are closed captioned, we recommend that broadcasters field test any such PSAs so that there is certainty of pass-through of those closed captions.

Furthermore, we recommend that such PSAs include audio output of all information provided visually in text. For example, no PSA should only direct viewers to additional information by having them "Call the 800 number that appears on your screen," or "Go to the web site shown below." These elements of the PSA must also be heard in the audio output of the PSA so that people with vision loss will have access to and benefit from the information provided in the PSA. It should be noted that PSAs that provide full information in both text and audio formats will benefit all television viewers, many of whom need redundancy of information to comprehend content.

COAT supports the FCC's proposal to require the establishment of a schedule for broadcasters that would ensure that these PSAs are displayed during prime time viewing hours and with increasing frequency before the DTV transition date. COAT also supports having the FCC work with other entities to develop a recommended "script" or "key elements" of the PSAs. COAT's affiliate members stand ready to assist the FCC or others in the development and review of PSAs and to offer recommendations on their form and content to ensure that the information conveyed

by these PSAs is accessible to and understandable by people with disabilities. We also support the development of PSAs for Spanish or other language programming, with the recommendations above related to captions, audio output and scheduling.

While we are aware that the Commission does not regulate content of video programming, we support Commission efforts to encourage broadcasters to develop stories and story lines in news and entertainment programming that help explain the DTV transition and the steps that consumers may need to take. Naturally, these efforts should include the recommendations above related to captions and audio output to ensure that the information provided is accessible to people with disabilities. We would also like to see content that specifically addresses the accessibility features of DTV video programming, such as captioning and video description.

B. Broadcaster Consumer Education Reporting

COAT supports reporting of consumer education efforts by broadcasters, including small broadcasters and non-commercial educational stations. We also would like to see such reports provided to the Commission in writing on a quarterly basis and made available in alternate formats, upon request.

C. MVPD Customer Bill Notices

COAT supports the recommendation that the Commission require multichannel video programming distributors (MVPDs) to educate their customers about the effect of the DTV transition on equipment that is and is not connected to their video programming service. Many MVPD subscribers also have and use other televisions in their homes that receive programming over the air; we believe many of these

television receivers are used by people with disabilities, including elderly persons and others with disabilities living in units attached to such households.

MVPDs should consider a range of options to fulfill this responsibility, including bill inserts, statement messages, individual mailings, special information channel, PSAs, website messages, E-mails and other means. To ensure that billing inserts are noticed by subscribers, COAT recommends a well-designed, brightly-colored, and conspicuous notice on the face of the bill or on the outside of the billing envelope drawing attention to the insert. We believe consumers with disabilities, like other consumers, will become aware of the DTV transition through a multi-faceted and redundant process, and such notices should be considered part of an overall national approach to ensure widespread knowledge about the DTV transition, including its benefits.

COAT also supports the recommendation that the Commission require quarterly reporting from each MVPD so their efforts can be monitored.

D. Consumer Electronics Manufacturer Notices

COAT supports the proposal that the Commission require that a description of the DTV transition be included with the purchase of any television set or related device that is imported or distributed in the U.S. We believe that this should be a temporary requirement, for example for up to one year following the DTV transition. This information should also be included in the purchase of VCRs, DVRs, DVD players and other equipment or devices used in the television viewing chain by consumers. This requirement must be part of the equipment manual or instructions

and should also be conspicuously presented on a separate sheet in or on the package or unit so that consumers cannot miss the information. The content of any such information should be simple, relevant, and written in plain, easy to understand language.

E. Consumer Electronic Retailer Training and Education Reporting

COAT believes that there are millions of persons with disabilities who are over-the-air television viewers and who may disproportionately need the converter box coupons for their analog televisions. We therefore support efforts by the Commission and NTIA to ensure that retailers conduct disability-related training and education of their staff at the retail level and at customer support call centers. We believe that retailers will voluntarily want to report these efforts since retailers that are the most knowledgeable and customer responsive will have a competitive edge in marketing digital television equipment.

COAT understands that some retailers are already challenged to meet the needs of customers with disabilities for information about television equipment, especially accessibility features such as the display of closed captions and video description. When purchasing television or other audiovisual equipment, the demonstration and evaluation of accessibility features is often a critical factor in the decision-making process of a consumer with a disability. COAT urges retailers to be prepared to explain and demonstrate the accessibility features of digital televisions and converter boxes – especially converter boxes certified as eligible in the NTIA discount coupon program.

COAT believes that a retail entity should accommodate the needs of its customers with disabilities and should solicit, respond to, and act upon input from customers with disabilities. Further, we assert that disability responsible and responsive retailers, that is, retailers who take the time and make the effort to provide information needed by consumers with disabilities and families that have members with disabilities, will build loyal customers and good marketing relationships.

F. DTV.gov and Partner Consumer Education Reporting

COAT supports innovative consumer education initiatives by the Commission, such as PSA video clips on the DTV.gov web site. Other groups, including disability consumer groups, should be able to copy and reproduce these video clips and create hyperlinks on their web sites to the information and video clips on the DTV.gov web site. Any such video clips should be carefully produced with captions and audio output to ensure that the information provided is accessible to people with disabilities. We also recommend creation of video clips using American Sign Language (ASL). These video clips can also have voice over and captions.

COAT recommends that the fifty or more DTV transition partners identified on the www.dtv.gov website should be provided guidelines by the Commission to assist them in their efforts to conduct consumer education initiatives. For instance, we believe that many of our recommendations concerning PSAs, notices, accessible video clips, accessible web sites, responsive call centers and recruiting persons with

disabilities in education efforts (see our comments below), should be part of the Commission's guidelines to these DTV transition partners.

G. Other proposals

1. Call Centers' Legal Obligation to Accept Calls from People with Disabilities

To ensure that information about the DTV transition reaches the greatest number of people, COAT asks the FCC to remind broadcasters, MVPDs, consumer electronics manufacturers and consumer electronics retailers that any of the call centers these entities establish to support consumer education and technical assistance must be accessible to people with disabilities in accordance with the Americans with Disabilities Act (ADA).

For example, these entities must be trained and willing to accept calls from people with hearing and speech disabilities who use various forms of telecommunications relay services (TRS).⁴ Also, such call centers must have voice menu systems that can be easily navigated by people who are deaf or hard of hearing and people with other disabilities.⁵ For example, we recommend that information

⁴ The obligation to accept relay calls by places of public accommodation is found in Title III of the ADA, 42 U.S.C. §12181, et. seq. Title IV of the ADA contains requirements for various types of relay services to be made available to people with hearing and speech disabilities, see 47 U.S.C. §225. The call centers noted above must have the ability to accept calls, not just from traditional TTY relay service, but also other forms of relay such as captioned telephone relay, speech-to-speech relay, IP-relay, and video relay service as described in FCC Fact Sheets at <http://www.fcc.gov/cgb/consumerfacts/trs.html>

⁵ In addition to the obligation to provide telephone access to people with disabilities that flows from Title III of the ADA, FCC rules contain a separate provision directing manufacturers of voice mail and interactive voice response (IVR) systems to make their systems accessible to people with disabilities. See 47 C.F.R. Part 7, "Access to Voicemail and Interactive menu Services and Equipment by People with Disabilities."

about the DTV transition be at the top level of any IVR scripts used in customer call centers.

As noted above, in addition to general consumer concerns about the DTV transition, consumers with disabilities have concerns about the pass-through and display of closed captioning and video description. We expect customer call and support centers to be ready to provide the necessary information and technical assistance to answer questions and resolve such concerns promptly.

2. Ubiquitous Web Site Accessibility for Disseminating Consumer Information

We recommend that broadcasters, MVPDs, consumer electronics manufacturers, and consumer electronics retailers provide information about the DTV transition on the home pages of their Internet web sites. Their reports about their efforts to educate the public can similarly be posted on their web sites. We also recommend that these entities' "DTV transition information" web sites be interactive so that consumers can report their concerns and questions about the DTV transition and about any problems they may be experiencing.

We further urge the Commission to recommend that broadcasters, MVPDs, consumer electronics manufacturers and consumer electronics retailers that develop websites to provide information on the digital television transition design such web sites to be accessible to and usable by persons with disabilities. For instance, such websites must be readable and navigable and interactive for users with vision loss who use specialized equipment to read web sites.⁶ We also assert that designing and

⁶ For instance, companies developing websites should investigate whether their websites meet Web Content Accessibility Guidelines (WCAG). They can conduct accessibility testing and

developing web sites that are accessible to people with disabilities often provides a friendlier and more usable site for consumers without disabilities and, therefore, benefits all consumers.

3. Entities Should Recruit People with Disabilities in Consumer Education Efforts

COAT urges broadcasters, MVPDs, consumer electronics manufacturers and consumer electronics retailers to proactively recruit people with disabilities in their efforts to educate the public about the DTV transition. People with disabilities are uniquely qualified to provide expertise about the design and development of education and outreach materials. People with disabilities can participate in outreach and be part of any focus groups in these efforts. Furthermore, disability consumer groups can be engaged as partners in the efforts to disseminate information and educate consumers with disabilities about the DTV transition. While COAT affiliates are already providing information free to their members about the effect of the transition to free over-the-air television viewers, COAT affiliates report a need for resources to educate viewers about digital television and the coupon program; we believe that the cost of the digital transition should not be borne by non-profit entities whose primary missions is civil rights for persons with disabilities and who provide specific non-television related services.

4. Special Mailings or Noticing by Other Government Agencies

make changes as appropriate, beginning with the free web site accessibility testing tools available, such as the BOBBY test at <http://webxact.watchfire.com/> or the CYNTHIA SAYS tool at <http://www.cynthiasays.com/>

COAT urges the Commission to find ways to coordinate its DTV transition consumer education campaign with other federal agency public education campaigns. At the least, we believe the Commission should explore and find some ways to “piggyback” on the experience and efforts of executive agencies that have conducted nationwide public information campaigns. We believe there may be such programs in units of the U.S. Department of Health & Human Services (DHSS), the U.S. Department of Education, and the Social Security Administration.

5. Universal Service Fund Opportunities to Educate Consumers

COAT believes there are opportunities to educate the public about the DTV transition through programs of the Universal Service Fund (USF). For instance, consumers who benefit from the Lifeline-Linkup program are certified as being low income consumers and may be among those most likely to be free over-the-air television viewers unable to afford DTV equipment or subscribe to MVPD services. We urge the Commission to work with the Administrator and carriers that administer this program at the state level, to find innovative ways to reach these consumers and educate them about the DTV transition, and specifically, about the coupon program administered by NTIA. We concur with others that the cost of such an education initiative to Lifeline customers should not be passed forward to these customers. Likewise, wireless and wireline carriers who are beneficiaries of the High Cost fund, the largest cross subsidy fund among the USF funds, should be urged by the Commission to find innovative no-cost-to-the-consumer ways to reach low income

rural and low income metropolitan phone subscribers with information about the DTV transition.

V. Conclusion

COAT thanks the FCC for the opportunity to submit these comments and offers its assistance to the Commission to ensure a smooth transition to DTV programming for Americans with disabilities. We have described the extra hurdles that people with disabilities may encounter and recommended formation of a working group to focus on the technical concerns. We have also offered suggestions and recommendations that we believe the Commission should implement to ensure a comprehensive consumer education initiative. The Coalition stands ready to continue to assist in this effort.

Respectfully submitted by:

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On behalf of the COAT Steering Committee

Steering Committee of the Coalition of Organizations for Accessible Technology:

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